

## **Probate Notes for December 2, 2009**

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, please contact the civil division at (530) 406-6704. If you have questions, you may contact the probate examiner at (530) 406-6802 between the hours of 2 and 4 p.m.

---

**Case: Probate Conservatorship of Christopher L. Cato**  
**Case No. CV PC 07-192**

It is recommended to approve the court investigator's report.

The conservator has not filed the required account and report. (Prob. Code, § 2620.) The Clerk is directed to give written notice to the conservators Walter D. Cato and Herlita C. Cato, directing the conservators to file an account and report and to set the accounting for hearing before the court within 30 days of the date of the notice. (Prob. Code, § 2620.2, subd. (a).) It is recommended to continue this matter to Wednesday, January 5, 2010, at 9:00 a.m. in Department Fifteen to give the conservator time to file and give notice of the account and report.

**CASE: Probate Conservatorship of Donna J. Gaboury**  
**Case No. CV PC 09-181**

The following are noted:

- (1) The proposed order states that the bond is set at \$121,000. The proposed conservator filed a bond for \$110,000 only on October 23, 2009.
- (2) The proposed order states that the proposed conservatee is unwilling to attend the hearing. The GC-335 form filed on October 20, 2009, states that the proposed conservatee is able to attend the hearing, and the proposed conservatee told the Court Investigator that she (the proposed conservatee) wishes to attend the hearing.
- (3) It is recommended that the Court appoint counsel for the proposed conservatee, if the proposed conservatee is not already represented by counsel. (Prob. Code, § 1471.)

**Case: Probate Conservatorship of Kenneth Marshall**  
**Case No. CV PB 98-189**

It is recommended to approve the fourth account and report of the conservator and to grant the petition for attorney fees.

**CASE: Estate of Elizabeth Shearen Carlton**  
**Case No. CV PB 09-199**

If proof of publication is filed, it is recommended to grant the petition for letters of administration and for authorization to administer the estate under the Independent Administration of Estates Act. Petitioner should submit a proposed order.

**CASE:           Estate of Michael Fleming Rush**  
**Case No. CV PB 09-15**

It is recommended to grant the petition for final distribution on waiver of account and for payment of attorney fees.

**CASE:           Estate of Eric John David West**  
**Case No. CV PB 01-66**

It is recommended that the Court approve the amended first account and report of administrator and grant the petition for its settlement, for allowance of partial payment of ordinary compensation and expenses to administrator and attorney, and for partial distribution. It is noted that the fee basis used for the statutory compensation does not include the appraised value for APN 006-380-090-000. (*See* Inventory and Appraisals filed on June 21, 2001 and October 23, 2009.)